IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 189 OF 2005

IN

SUM. SUIT NO. 2928 OF 2004

M/s. K.C. Corporation
Through its partner
Kirti Kumar Shah ... Plaintiff

vs.

State of Maharashtra (Dairy Dept)
& Ors. ... Defendants.

Mr. Shilpa Kapil for plaintiff.
Mr. K.R. Belosay AGP for defendants.

CORAM : S.U. KAMDAR, J.
DATED : 25TH OCTOBER, 2005.

P.C.

. The claim is raised on a contract. It is the case of the plaintiff that on the construction work carried out the defendants themselves have certified that they are entitled to Rs. 3,21,600/- as mentioned in page no. 57 of the plaint. The defendants have however filed their reply and stated that the said amount is worked out without carrying

out inspection and verification and after finalising the work and after inspection only Rs. 1,96,325/- is found to be due and payable. This amount has been paid by the defendant to the plaintiff in respect of which there is no dispute. However, the plaintiff is claiming higher amount. In my opinion there are serious triable issues in the present case. The summons for judgment is dismissed. Unconditional leave to the defendant to defend the suit.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.